

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on March 3, 2005 at 8 A.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jeff Essmann (R)  
Sen. Kelly Gebhardt (R)  
Sen. Dan Harrington (D)  
Sen. Sam Kitzenberg (R)  
Sen. Bob Story Jr. (R)  
Sen. Ken Toole (D)

**Members Excused:** Sen. Jerry W. Black (R)  
Sen. Jon Ellingson (D)  
Sen. Kim Gillan (D)  
Sen. Trudi Schmidt (D)

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Lee Heiman, Legislative Branch  
Audio Technician

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: HB 302, HB 439, HB 171, HB 227,  
SB 501, SB 406, SB 432, SB 438,  
SB 463, SB 361, SB 362, SB 406,  
SB 323

00:04:23

EXECUTIVE ACTION ON HB 302

Motion: SEN. TOOLE moved that HB 302 BE CONCURRED IN.

Motion: SEN. ESSMANN moved that HB 302 BE AMENDED.

[EXHIBIT](#)(tas47a01)

SEN. ESSMANN withdrew his motion.

SEN. TOOLE withdrew his motion.

00:09:13

EXECUTIVE ACTION ON HB 439

Motion: SEN. TOOLE moved that HB 439 BE CONCURRED IN.

SEN. TOOLE withdrew his motion.

00:10:22

EXECUTIVE ACTION ON HB 171

Motion/Vote: SEN. GEBHARDT moved that HB 171 BE CONCURRED IN.  
Motion carried unanimously by voice vote. SEN. HARRINGTON will  
carry HB 171.

00:10:57

EXECUTIVE ACTION ON HB 227

Motion: SEN. TOOLE moved that HB 227 DO PASS.

Motion/Vote: SEN. TOOLE moved that HB 227 BE AMENDED. Motion  
carried unanimously by voice vote.

[EXHIBIT](#)(tas47a02)

Motion/Vote: SEN. GEBHARDT moved that HB 227 DO PASS AS AMENDED.  
Motion carried unanimously by voice vote. SEN. HARRINGTON will  
carry HB 227.

00:14:19

EXECUTIVE ACTION ON SB 501

Motion: SEN. TOOLE moved that SB 501 DO PASS.

Motion/Vote: SEN. ESSMANN moved that SB 501 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas47a03)

Motion/Vote: SEN. STORY moved that SB 501 BE AMENDED. Motion carried unanimously by voice vote.

Vote: Motion that SB 501 DO PASS AS AMENDED carried unanimously by voice vote.

00:17:07

EXECUTIVE ACTION ON SB 406

Motion: SEN. STORY moved that SB 406 DO PASS.

SEN. STORY withdrew his motion.

00:22:03

EXECUTIVE ACTION ON SB 432

Motion/Vote: SEN. TOOLE moved that SB 432 DO PASS. Motion carried unanimously by voice vote.

SEN. TOOLE assumes the Chair.

00:22:49

EXECUTIVE ACTION ON SB 438

Motion/Vote: SEN. ELLIOTT moved that SB 438 DO PASS. Motion carried unanimously by voice vote.

SEN. ELLIOTT resumes the Chair.

00:24:05

EXECUTIVE ACTION ON SB 463

Motion: SEN. STORY moved that SB 463 DO PASS.

[EXHIBIT](#)(tas47a04)

Motion/Vote: SEN. STORY moved that SB 463 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas47a05)

Vote: Motion that SB 463 DO PASS AS AMENDED failed 4-4 by roll call vote with SEN. ELLINGSON, SEN. ELLIOTT, and SEN. HARRINGTON voting aye. SEN. ELLINGSON voted no by proxy.

SEN. ELLIOTT held the vote open for 24 hours in order to allow SEN. BLACK, SEN. GILLAN, and SEN. SCHMIDT to vote.

00:36:12 Stand at ease

00:47:53 Called to order

00:47:59

EXECUTIVE ACTION ON SB 361

Motion: SEN. STORY moved that SB 361 DO PASS.

Motion/Vote: SEN. STORY moved that SB 361 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(tas47a06)

SEN. BLACK arrived.

Vote: Motion that SB 361 DO PASS AS AMENDED passed 5-4 by roll call vote with SEN. ELLIOTT, SEN. TOOLE, SEN. ELLINGSON, and SEN. HARRINGTON voting no. SEN. ELLINGSON voted yes by proxy.

SEN. ELLIOTT held the vote open for 24 hours in order to allow SEN. GILLAN, and SEN. SCHMIDT to vote.

00:47:59

EXECUTIVE ACTION ON SB 362

Motion: SEN. STORY moved that SB 362 DO PASS.

Motion/Vote: SEN. STORY moved that SB 362 DO PASS. Motion failed 3-6 by roll call vote with SEN. ESSMANN, SEN. GEBHARDT, and SEN. KITZENBERG voting aye. SEN. ELLINGSON voted no by proxy.

SEN. ELLIOTT held the vote open for 24 hours in order to allow SEN. GILLAN, and SEN. SCHMIDT to vote.

01:08:49

EXECUTIVE ACTION ON SB 406

Motion: SEN. TOOLE moved that SB 406 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 406 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(tas47a07)

SEN. TOOLE withdrew his motion so the Chairman could request a new fiscal note to reflect the amendment.

01:29:33

EXECUTIVE ACTION ON SB 323

Motion: SEN. TOOLE moved that SB 323 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 323 BE AMENDED. Motion carried unanimously by voice vote.

EXHIBIT(tas47a08)

SEN. TOOLE withdrew his motion so the Chairman could request a new fiscal note to reflect the amendment.

**ADJOURNMENT**

Adjournment: 9:34 A.M.

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SEN. JIM ELLIOTT, Chairman

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KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

**EXHIBIT ([tas47aad0.TIF](#))**